On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Three Star Magnesia, Inc., Newark, N. J., alleging shipment by said company in violation of the Food and Drugs Act on or about October 20, November 6, and November 14, 1936, from the State of New Jersey into the State of Connecticut of quantities of solution of citrate of magnesia which was misbranded. A portion of the article was labeled: "Delmar Effervescing Solution of Citrate of Magnesia * * * Distributed by Du Bois Laboratories New York New Haven." The remainder was labeled: "Distributed by Viviny Laboratories New York New Haven Pierce's Solution Citrate of Magnesia." The bottle caps of all lots bore the statement: "Contents 11½ Fluid oz."

The article was alleged to be misbranded in that the statement "Contents 11½ Fluid Oz.," borne on the bottle cap, was false and misleading in that said statement represented that each of the bottles contained 11½ fluid ounces of the article; whereas each of the said bottles did not contain 11½ fluid ounces of the article but did contain a less amount.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25 on each of the four counts and ordered that payment of the fines be suspended on counts 2 and 3 pending complete compliance with the Government regulations for 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27545. Adulteration and misbranding of tincture of iodine. U. S. v. De Pree Co. Plea of nolo contendere. Judgment of guilty. Fine, $200. (F. & D. No. 38669. Sample Nos. 57269–B, 6136–C.)

This product failed to conform to the standard for tincture of iodine established by the United States Pharmacopoeia, one lot being deficient in iodine and potassium iodide and the other containing an excess of iodine and potassium iodide.

On July 1, 1937, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the De Pree Co., a corporation of Holland, Mich., alleging shipment by said company in violation of the Food and Drugs Act on or about May 21 and August 18, 1936, from the State of Michigan into the State of Illinois of quantities of tincture of iodine which was adulterated and misbranded. The article was labeled in part: "San Tox Nurse Brand Tincture of Iodine U. S. P. * * * The De Pree Company, Holland, Mich."

The information alleged that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia; the edition of the pharmacopoeia official at the time of investigation of the article defined tincture of idoine as an alcoholic solution of iodine and potassium iodide containing in each 100 cubic centimeters, not less than 6.5 grams and not more than 7.5 grams of iodine and not less than 4.5 grams and not more than 5.5 grams of potassium iodide; the article in one of the shipments contained less than 6.5 grams of iodine and less than 4.5 grams of potassium iodide per 100 cubic centimeters, namely, not more than 6.23 grams of iodine and 4.24 grams of potassium iodide per 100 cubic centimeters; in the other shipment it contained more than 7.5 grams of iodine and more than 5.5 grams of potassium iodide, namely, not less than 8.35 grams of iodine and not less than 5.74 grams of potassium iodide per 100 cubic centimeters; and it therefore differed from the standard of strength, quality, and purity for tincture of iodine as defined by the tests laid down in the aforesaid pharmacopoeia.

The article was alleged to be misbranded in that the bottle label bore the statement "Tincture of Iodine U. S. P.," which represented that the strength, quality, and purity of the article conformed to the standard for tincture of iodine as determined by the tests laid down in the pharmacopoeia; and in that the strength, quality, and purity of the article did not so conform, and the statement aforesaid was false and misleading.

On July 26, 1937, a plea of nolo contendere was entered on behalf of the defendant, and the court entered judgment of guilty and imposed a fine of $200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27546. Misbranding of W. H. Bull's Quick Pile Relief. U. S. v. W. H. Bull Medicine Co., Inc., and Harley E. Houts. Pleas of guilty. Corporation fined $200 and costs. Harley E. Houts fined $50. (F. & D. No. 38685. Sample No. 4700–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its alleged antiseptic properties.

On May 17, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. H. Bull Medicine Co. Inc., St. Louis, Mo., and Harley E. Houts, alleging shipment by said defendants in violation of the Food and Drugs Act as amended on or about September 11, 1936, from the State of Missouri into the State of Oklahoma of a quantity of W. H. Bull's Quick Pile Relief which was misbranded. The article was labeled in part: "W. H. Bull Med. Co., St. Louis, Mo."

Analysis showed that the article consisted essentially of pine tar and small amounts of phenol and tannic acid incorporated in a base of petrolatum. Bacteriological tests showed that it was not antiseptic.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that it was effective as a quick pile relief, as a treatment, remedy, and cure for external piles, anal fissure, internal, protruding, itching, or bleeding piles, hemorrhoids, boils, carbuncles, cuts, burns, old sores, and foul ulcers; and as a healing agent wherever required. It was alleged to be misbranded further in that the statement "antiseptic," borne on the package and box, was false and misleading since it was not an antiseptic.

On July 13, 1937, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of $200 and costs against the corporation and $50 against Harley E. Houts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27547. Adulteration and misbranding of Rozel Effervescent Cones and misbranding of Rozel Douche Powder. U. S. v. 66 Bottles of Rozel Effervescent Cones, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 38924, 38925, 38926. Sample Nos. 29492-C, 29493-C.)

The labeling of both of these products bore false and fraudulent representations regarding their curative or therapeutic effects, and that of the cones bore misrepresentations regarding their alleged germicidal properties.

On January 12, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 66 packages and 50 sample packages of Rozel Douche Powder and 66 bottles of Rozel Effervescent Cones at Tacoma, Wash., alleging that the articles had been shipped in interstate commerce on or about August 6, 1936, by Rozel Laboratories from Chicago, Ill., and charging that both were misbranded and that the Effervescent Cones were also adulterated in violation of the Food and Drugs Act as amended.

Analyses showed that the Effervescent Cones consisted essentially of tartaric acid, sodium bicarbonate, talc, starch, and a small proportion of a chlorine-liberating compound; and that the douche powder consisted essentially of boric acid, sodium chloride, and ammonium alum, with small proportions of phenol and menthol. Bacteriological tests of the Effervescent Cones showed that they were not germicidal.

The article labeled "Effervescent Cones" was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Germicide," since it was not a germicide.

The article labeled "Effervescent Cones" was alleged to be misbranded in that the following statements appearing in the circular contained in the package were false and misleading since it was not a germicide and did not have the germicidal properties claimed for it: "Ideal Germicide * * * The germicidal power in Rozel Effervescent Cones is indisputable, * * * This gas contains a sperm destroying chemical that is * * * dependable. * * * the antiseptic used in Rozel Effervescent Cones * * * its germ killing action. The minute Rozel Effervescent Cones come in contact with the fluids of the vagina they deposit their germ killing deodorant ingredients into the folds, pockets and convolutions of the tissue. This offers a continuous cleansing and germ killing action over a period of several hours."

Both products were alleged to be misbranded in that the following statements in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Effervescent Cones, bottle) "For Feminine Hygiene * * * For Inflammation * * * Insert one Rozel Vaginal Cone upon retiring. Follow with vaginal bath in the morning using Rozel Douche Powder for protective cleanliness"; (circular) "Prophylactic * * * A boon to marriage happiness Rozel Effervescent Cones is a modern scientific liberator of marriage worries